

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT
Case Type: Wrongful Death

Melissa L. Anderson, as trustee for the next
of kin of Jeffrey C. Anderson, deceased.

Judge: _____

Court File No.: _____

Plaintiff,

vs.

SUMMONS

Benson Power, LLC, doing business as the
Benson Power Plant, and NAES, Inc.,

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. Plaintiff's Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no Court file number on this Summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at Bradshaw & Bryant, PLLC, 1505 Division Street, Waite Park, MN 56387.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to Plaintiff's Complaint. In your Answer, you must state whether you agree or disagree with each paragraph of the Complaint. If you believe Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A Default Judgment can then be entered against you for the relief requested in the Complaint.

EXHIBIT


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5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. IF you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose this case.**

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Dated: 1/22/18

BRADSHAW & BRYANT, PLLC


Michael A. Bryant, #218583
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Melissa L. Anderson, as trustee for the next
of kin of Jeffrey C. Anderson, deceased.

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Plaintiff,

vs.

COMPLAINT

Benson Power, LLC, doing business as the
Benson Power Plant, and NAES, Inc.,

Defendants.

1. On December 6, 2017, plaintiff's decedent, Jeffrey C. Anderson [Anderson] was working as an employee of Mechanical Systems, Inc. [MSI], at the Benson Power Plant owned by defendant Benson Power LLC [Benson Power] and operated by defendant NAES, Inc. [NAES]. NAES, Inc. does business in Washington County, MN. Anderson was at Benson Power to repair an inlet damper by welding it.

2. As Anderson was welding the inlet damper, a large chunk of ash, approximately 10 inches thick and six feet long and three feet wide, fell and hit Anderson.

3. As a direct result of being hit by the large chunk of ash, Anderson was severely injured and died from his injuries.

4. As a direct result of Anderson's death, his surviving spouse and next of kin, including children, grandchildren, parents and siblings, have suffered a pecuniary loss.

Count One - Negligence against Benson Power Plant, LLC

5. Defendant Benson Power Plant, LLC [Benson Power] owned the building that Anderson was working in on 12.6.2017.

6. As the owner of the building where Anderson was working, Benson Power owed Anderson a duty to use reasonable care to inspect and maintain the property to ensure that entrants like Anderson would not be exposed to unreasonable risks of harm.

7. As a direct result of Benson Power breaching the duty of reasonable care that it owed Anderson, Anderson was injured and died on 12.6.2017.

Count Two - Negligence against NAES, Inc.

8. Defendant NAES, Inc., was the operator of the Benson Power Plant [the Plant] on 12.6.2017.

9. As the operator of the Plant where Anderson was working, NAES, Inc., owed Anderson a duty to use reasonable care to inspect and maintain the property to ensure that entrants like Anderson would not be exposed to unreasonable risks of harm.

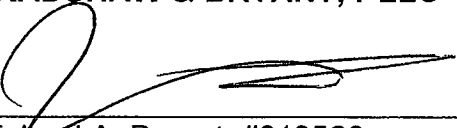
10. As a direct result of NAES, Inc., breaching the duty of reasonable care that it owed Anderson, Anderson was injured and died on 12.6.2017.

WHEREFORE, plaintiff Melissa L. Anderson, as trustee for the surviving spouse and next of kin of Jeffrey C. Anderson, demands judgment against defendant Benson Power, LLC, and defendant NAES, Inc., and each of them, jointly and severally, for damages in excess of fifty thousand dollars [\$50,000] and for interest, costs, and disbursements as allowed by Minnesota law.

The undersigned hereby acknowledges that
sanctions may be imposed under Minn. Stat. § 549.211.

BRADSHAW & BRYANT, PLLC

Dated: 11/27/18



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